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MONITORING THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

Measures to publicize the communications mechanism of the Commission on the Status of Women

Report of the Secretary-General

SUMMARY

On the basis of a recommendation by the Commission on the Status of Women at its thirty-seventh session, the Economic and Social Council, in resolution 1993/11 of 27 July 1993, requested the Secretary-General to report to the Commission at its thirty-eighth session on the ways in which the communications mechanism of the Commission had been publicized. The present report describes initial steps taken to publicize the mechanism. In order to indicate how further publicity will be developed, the report describes the evolution of the communications mechanism. It notes that the main purpose is to provide individuals and organizations with a means of informing the Commission about instances of discrimination against women which might lead the Commission to recommend policy measures. The report notes that this differs from the communications procedure of the Commission on Human Rights. The report then describes how lists of confidential and non-confidential communications have been developed during the history of the Commission. It notes also that, while the existing approach to confidential lists is being maintained, the non-confidential lists are being developed on the basis of earlier precedents with a view to increasing the number of communications available to the Commission.

* E/CN.6/1994/1.

1. The Economic and Social Council, in resolution 1993/11 of 27 July 1993, requested the Secretary-General to report to the Commission on the Status of Women at its thirty-eighth session on the ways in which the communications mechanism of the Commission had been publicized.

2. The Council had already requested the Secretary-General, in resolution 1992/19 of 30 July 1992, to publicize widely the existence and scope of the communications mechanism of the Commission. The request was reiterated in resolution 1993/11 following a proposal made by the Working Group on Communications at the Commission's thirty-seventh session that further publicity be given to the existing communications mechanism. 1/ The purpose of the publicity was to increase the number of communications received, so that the Commission would have a larger basis for drawing conclusions from them.

3. Following the 1992 request, the Division for the Advancement of Women drafted a Human Rights Fact Sheet concerning the communications procedure relating to the status of women, which was sent to the Centre for Human Rights in September 1992 for publication as part of the global programme of information on human rights. The Centre for Human Rights is in the process of preparing the relevant publication.

4. A detailed description of the communications mechanism was also included by the Division in its quarterly publication Women 2000, No. 3, 1992. The entire issue of Women 2000 was devoted to equal rights of women (and girls).

5. Publicity about the communications mechanism has emphasized the nature and importance of this aspect of the Commission's work, as it has evolved since the founding of the United Nations. It is based on the understanding that the communications mechanism of the Commission is different from that of the Commission on Human Rights. The present communications procedure was set up by the Economic and Social Council in its resolution 76 (V) of 5 August 1947, as amended by Council resolution 304 I (XI) of 14 and 17 July 1950 and Council resolution 1983/27 of 26 May 1983.

6. Council resolution 76 (V) foresaw only confidential lists of communications concerning the status of women. However, by resolution 304 I (XI), the Council amended the procedure: it requested the Secretary-General to compile a non-confidential list of communications dealing with the principles relating to the promotion of women's rights in the political, economic, civil, social and educational fields, and a confidential list of other communications concerning the status of women that was to be furnished to the members of the Commission on the Status of Women in private meeting.

7. In resolution 1983/27, the Council requested the Secretary-General to include in the report on confidential and non-confidential communications on the status of women communications received by the specialized agencies, regional commissions and other United Nations bodies and to solicit the cooperation of the United Nations system in the compilation of the report. The Council also established a procedure to be followed by the Commission when considering communications: it authorized the Commission to appoint a working group of five members to meet in closed meetings during each session of the Commission to consider all communications and bring to the attention of the Commission those

which appeared to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women; the working group was to prepare a report indicating the categories in which communications were most frequently submitted to the Commission.

8. The communications mechanism gives individuals or organizations the possibility of bringing to the attention of the Commission on the Status of Women communications dealing with the principles relating to the promotion of women's rights in political, economic, civil, social and educational fields. It differs from the procedure set out in Economic and Social Council resolution 1503 (XLVIII) for the Commission on Human Rights, which sets out a mechanism for considering communications relating to human rights and fundamental freedoms with a view to redress. For communications concerning the status of women, Council resolution 1983/27 specifies that the Commission on the Status of Women should consider communications which appear to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women. The resolution empowered the Commission only to make recommendations to the Economic and Social Council, which would decide on the appropriate action to be taken on the emerging trends and patterns of communications. The procedure is thus not intended to be a means of individual redress, but of eventually solving more fundamental problems on a broader level.

9. The communications mechanism of the Commission was designed to provide a means whereby individuals and groups who might not be able to convey their concerns to their Governments would be able to provide input into the Commission's deliberations. It recognized the fact that women were not well represented in Governments and that, therefore, many issues of concern to women might not be placed before the Commission. In that sense, the communications mechanism was to function as a form of "early warning" system on policy questions. It could also be seen as a form of public opinion polling, much in the way legislators gauge the concerns of their constituents by the volume and content of mail received. The communications thus received were to be summarized for the Commission in lists, with the full texts available for consultation, as appropriate, by the Commission.

10. Between the years 1947 and 1955, the lists contained communications from national or international organizations or from individuals referring to complaints, protests and requests for action or else submitting information or suggestions and offers of cooperation (E/CN.6/CR.1 and 2). Some of them contained general information and suggestions, some dealt with communications relating to the principle of equal pay for equal work (E/CN.6/CR.4) and some transmitted to the Commission resolutions from international non-governmental organizations (E/CN.6/CR.5).

11. In 1956, the Secretary-General for the first time compiled a non-confidential list of communications. However, in later years, the number of communications decreased gradually until it had shrunk to one or two communications per list (E/CN.6/CR.15-18). The non-confidential communications did not concern specific countries and dealt with issues which were of importance to women in general, such as a call for ending discrimination (E/CN.6/CR.17) or a call for considering abortion as a human right (E/CN.6/CR.23). For example, in 1980, the non-confidential list contained a

compilation of communications in all the five categories enumerated in Council resolution 304 I (XI) (E/CN.6/CR.25). In subsequent years, the number of non-confidential communications decreased sharply again. It became established practice that any communications concerning the status of women that referred to a specific country were not put in the non-confidential list, and most of the communications received were country-specific.

12. As currently administered, the communications mechanism invites anyone who has personally suffered discriminatory treatment or has a reasonably attested knowledge of such treatment to write to the secretariat of the Commission indicating the nature of the discrimination. For communications which are country-specific and would fall within the confidential procedure, if a case meets the criteria established by the above-mentioned resolutions, the secretariat acknowledges receipt of the communication and verifies whether the writers are willing to have their names divulged. Once that fact has been established, the communication is forwarded to the Government of the country concerned for comment. A summary of both the communication and any comments on it are included in the confidential list.

13. The practice has been to consider, as non-confidential communications, letters from individuals or organizations that deal with issues of discrimination based on sex and with questions related to the promotion of women's rights in a broader sense, without reference to any specific country. There has been some ambiguity on deciding which communications to include in the non-confidential list. The Division for the Advancement of Women receives a large number of communications from non-governmental organizations and individuals, including petitions, newsletters and declarations adopted by organizations each year. Over the past decade, it has not been the practice to include these in the non-confidential list. However, it would seem that many of these meet the original criteria for non-confidential communications and would be of interest to the Commission, which would not otherwise be apprised of their content. Given that one of the objectives of Economic and Social Council resolution 1993/11 was to increase the number of communications available for review, it would seem that a less restrictive interpretation should be applied to the communications to be included in the non-confidential list.

14. Accordingly, the non-confidential list of communications which will be before the Commission at its thirty-eighth session contains some communications that fall within the category described above. The secretariat will continue compiling the confidential and non-confidential lists for future sessions of the Commission as long as the criteria for the communications procedure have not been extended or changed.

Notes

1/ Official Records of the Economic and Social Council, 1993, Supplement No. 7 (E/1993/27), chap. III, para. 25.